IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6339 OF 2002

The Panchagani Municipal Council Petitioner

versus

Genu Godu Bagade and others Respondents

Mr.P.B.Shah, adv. for petitioner.

S.P.Thorat, adv. for R.2,4 and 6.

Umesh Shetty, adv. for R.1, 5 and 7.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17th December 2004

PC :

1. The Panchagani Municipal Council is aggrieved by orders dated 13th August 2001 of the Additional Commissioner and 29th December 2000 of the Additional Collector, Satara wherein the appellate and revisional authorities have observed that the Municipal Council's name cannot be recorded in the record of rights pertaining to lands which are in possession of respondents.

2. After hearing Mr.Shah, learned counsel for petitioners and Mr.Shetty appearing for

respondents 1, 5 and 7, in my view, the finding of fact recorded by the authorities in a matter pertaining to entry in the record of rights, cannot be interfered with in exercise of my jurisdiction under Article 227 of Constitution of India. The authorities have adverted to the materials and have come to a conclusion that the request made by respondents restoring mutation entries in their favour deserves to be granted.

3. This finding is, therefore, not liable to be interfered. However, it is clarified that these findings will not, in any manner, prejudice or take away rights of Municipal Council in initiating appropriate proceedings including filing a civil suit to establish it’s right, title and interest in the said land. With this clarification and leaving contentions of both sides open in that behalf, the petition is dismissed.

(S.C.DHARMADHIKARI, J.)